

**REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-13 were pending in the application, of which Claims 1, 9, 11-13 are independent. In the Final Office Action dated June 30, 2004, Claims 1, 3, 4, 7, 9, and 11-13 were rejected under 35 U.S.C. §102(b) and Claims 2, 5, 6, 8, and 10 were rejected under 35 U.S.C §103(a). Following this response, Claims 1-26 remain in this application, Claim 14-26 being added by this Amended. Applicants hereby address the Examiner's rejections in turn.

## I. Rejection of the Claims Under 35 U.S.C. § 102(b)

In the Final Office Action dated June 30, 2004, the Examiner rejected Claims 1, 3, 4, 7, 9, and 11-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,418,852 ("*Itami*"). Claims 1, 9, and 11-13 have been amended to further define and clarify the invention, and Applicants respectfully submit that the amendment overcomes this rejection and adds no new matter. Claims 2-7 have been amended to comport with the amendments to Claim 1 from which they depend. Support for these amendments may be found in the specification at least on page 3, lines 21-23.

Amended Claims 1, 9, 11, 12, and 13 are each patentably distinguishable over the cited art in that they respectively recite, for example, “embedding an identification information into data comprising a presentation target data”, “embedding an identification information into data comprising the error-correction-encoded presentation target data”, “an identification information embedded into data comprising presentation target data”, “an identification information embedded into data comprising presentation

target data”, and “embedding an identification information into data comprising the encoded presentation target data.”

In the Response to Arguments section of the Final Office Action, the Examiner stated that “Applicant’s claim 1 does not claim a process of embedding ID data within presentation target data, only superimposing. (See Final Office Action page 2, lines 16-17.) Accordingly, the claims have been amended to recite “embedding” or “embedded” rather than “superimposing” or “superimposed.” Consequently, independent Claims 1, 9, and 11-13 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1, 9, and 11-13.

Furthermore, *Itami* merely discloses storing an ID data in a field intended for another purpose. According to *Itami*, an optical disk may be divided into 11,313 tracks, with each track having 24 sectors. (See FIG. 2.) In a normal mode, a user may access only a portion of the total available tracks. (See col. 1, lines 56-59.) For example, a user may access only 9,994 tracks (comprising tracks 3 through 9996) of the 11,313 available tracks. (See col. 1, lines 42-60, FIG. 2.) Furthermore, according to *Itami*, each sector in each track (user accessible or not) may include a data field and a corresponding error correction code (ECC) field. (See col. 14, lines 50-65, FIG. 25.) *Itami* discloses recording, in a user accessible sector’s ECC field, an ID data. (See col. 14, lines 56-59.) *Itami*’s ID data from the optical disk may be compared to a true ID data stored in a computer register. If the ID data from the optical disk matches the true ID data, then the optical disk may be a lawful copy. (See col. 13, lines 17-62.)

In contrast to the claimed invention, *Itami* does not disclose identification information embedded into data comprising a presentation target data, rather *Itami*

merely discloses storing an ID data in a field intended for another purpose. In the first place, *Itami*'s ECC field does not comprise presentation target data, for example, data corresponding to an audio signal, video signal, or any other content type data.

Furthermore, the data in *Itami*'s ECC field does not comprise any data type (presentation target data or other wise) with identification information embedded into that same data. The ID data stored in *Itami*'s ECC is just that, mere ID data alone.

*Itami* does not disclose an identification information and a presentation target data both being stored in the very same data field. In other words, the ID data stored in *Itami*'s ECC field does not simultaneously contain two types of data, identification information and presentation target data configured to be stored, for example, in the same data register. (An example of such embedded data is shown at least in FIG. 2, step (d), and is supported by the corresponding discussion in the specification of the present application.)

In short, *Itami* does not anticipate the claimed invention because *Itami* at least does not disclose: i) "embedding an identification information into data comprising a presentation target data", as recited by amended Claim 1; ii) "embedding an identification information into data comprising the error-correction-encoded presentation target data", as recited by amended Claim 9; iii) "an identification information embedded into data comprising presentation target data", as recited by amended Claims 11 and 12; and iv) "embedding an identification information into data comprising the encoded presentation target data", as recited by amended Claim 13. Furthermore, *Sako et al.* ("Sako") EPO 794496 A1, does not overcome *Itami*'s deficiencies because it at least does not disclose or suggest the aforementioned elements. Accordingly, independent

Claims 1, 9, and 11-13 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1, 9, and 11-13.

Dependent Claims 2-8 and 10 are also allowable at least for the reasons above regarding independent Claims 1 and 9, and by virtue of their respective dependencies upon independent Claims 1 and 9. Accordingly, Applicants respectfully request withdrawal of the rejection of dependent Claims 2-8 and 10.

II. New Claims

Claims 14-26 have been added to more distinctly define and to round out the protection for the invention to which Applicants are entitled. Applicants respectfully submit that these claims are allowable over the cited art and that they add no new matter.

III. Conclusion

Applicants respectfully request that this Amendment After Final be entered by the Examiner, placing the claims in condition for allowance. Applicants respectfully submit that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicants respectfully submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

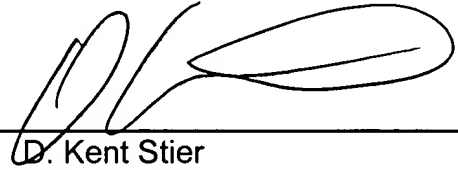
In view of the foregoing, Applicants respectfully submit that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

Please grant any extensions of time required to enter this amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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